



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

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H.2.

8/1/2024

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### Subject:

Paul Turner & Jackie Allen (Eddie Small) request a change of zoning classification from RU-2-10(5) to RVP with a BDP. (24Z00008) (Tax Account 2104754) (District 1)

### Fiscal Impact:

None

### Dept/Office:

Planning and Development

### Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a change of zoning classification from RU-2-10(5) (Medium-Density Multiple-Family Residential) to RVP (Recreational Vehicle Park) with a BDP (Binding Development Plan).

### Summary Explanation and Background:

The applicant is requesting to change the zoning classification from RU-2-10(5) (Medium Density Multiple-Family Residential) with a cap of 5 to RVP (Recreational Vehicle Park) with a Binding Development Plan (BDP) capping the development to 10 units per acre on a 6.92 acre parcel to develop a 69 site RV park. Per Sec. 62-1406(6)(b), the RVP zoning limits the density to no higher than 10 units per acre when paired with NC FLUM designation.

The applicant has submitted a BDP to cap the density to 10 units/ac.

A companion application, 24SS00003, if approved would amend the FLUM designation from Residential 2 (RES 2) to Neighborhood Commercial (NC).

To the north is a vacant 6 acre parcel with AU zoning and a RES 2 FLU designation. To the east is a 30.27 acre Brady Grove Park mobile home development, with approximately half-acre to 1 acre lots, designated with TR-2 zoning and RES 2 FLU designation. To the south is a vacant 5.19 acre parcel with AU zoning and NC FLU designation, and to the west is a half-acre parcel; with an automotive repair shop with BU-1 zoning and CC FLU designation.

The Board may wish to consider if the request is consistent and compatible with the surrounding area and a BDP capping density to 10 units/ac.

On July 22, 2024, the Planning and Zoning Board/Local Planning Agency heard the request and unanimously recommended approval.

**Clerk to the Board Instructions:**

Upon receipt of resolution, please execute and return a copy to Planning and Development.

## **ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT**

Administrative Policies in the Future Land Use Element establish the expertise of staff with regard to zoning land use issues and set forth criteria when considering a rezoning action or request for Conditional Use Permit, as follows:

### **Administrative Policy 1**

The Brevard County zoning official, planners and the Director of the Planning and Development, however designated, are recognized as expert witnesses for the purposes of Comprehensive Plan amendments as well as zoning, conditional use, special exception, and variance applications.

### **Administrative Policy 2**

Upon Board request, members of the Brevard County planning and zoning staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all applications for zoning, conditional uses, comprehensive plan amendments, vested rights, or other applications for development approval that come before the Board of County Commissioners for quasi-judicial review and action. The Board may table an item if additional time is required to obtain the analysis requested or to hire an expert witness if the Board deems such action appropriate. Staff input may include the following:

#### **Criteria:**

- A. Staff shall analyze an application for consistency or compliance with comprehensive plan policies, zoning approval criteria and other applicable written standards.
- B. Staff shall conduct site visits of property which are the subject of analysis and recommendation. As part of the site visit, the staff shall take a videotape or photographs where helpful to the analysis and conduct an inventory of surrounding existing uses. Aerial photographs shall also be used where they would aid in an understanding of the issues of the case.
- C. In cases where staff analysis is required, both the applicant and the staff shall present proposed findings of fact for consideration by the Board.
- D. For development applications where a specific use has not been proposed, the worst case adverse impacts of potential uses available under the applicable land use classification shall be evaluated by the staff.

### **Administrative Policy 3**

Compatibility with existing or proposed land uses shall be a factor in determining where a rezoning or any application involving a specific proposed use is being considered. Compatibility shall be evaluated by considering the following factors, at a minimum:

#### **Criteria:**

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use.

- B. Whether the proposed use(s) would cause a material reduction (five percent or more) in the value of existing abutting lands or approved development.
- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through analysis of:
  - 1. historical land use patterns;
  - 2. actual development over the immediately preceding three years; and
  - 3. development approved within the past three years but not yet constructed.
- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

#### **Administrative Policy 4**

Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

##### **Criteria:**

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types of intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, et cetera), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.
- B. In determining whether an established residential neighborhood exists, the following factors must be present:
  - 1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.
  - 2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.
  - 3. An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial or other non-residential uses have been applied for and approved during the previous five (5) years.

#### **Administrative Policy 5**

In addition to the factors specified in Administrative Policies 2, 3, and 4, in reviewing a rezoning, conditional use permit or other application for development approval, the impact of the proposed use or uses on transportation facilities either serving the site or impacted by the

use(s) shall be considered. In evaluating whether substantial and adverse transportation impacts are likely to result if an application is approved, the staff shall consider the following:

**Criteria:**

- A. Whether adopted levels of services will be compromised;
- B. Whether the physical quality of the existing road system that will serve the proposed use(s) is sufficient to support the use(s) without significant deterioration;
- C. Whether the surrounding existing road system is of sufficient width and construction quality to serve the proposed use(s) without the need for substantial public improvements;
- D. Whether the surrounding existing road system is of such width and construction quality that the proposed use(s) would realistically pose a potential for material danger to public safety in the surrounding area;
- E. Whether the proposed use(s) would be likely to result in such a material and adverse change in traffic capacity of a road or roads in the surrounding area such that either design capacities would be significantly exceeded or a de facto change in functional classification would result;
- F. Whether the proposed use(s) would cause such material and adverse changes in the types of traffic that would be generated on the surrounding road system, that physical deterioration of the surrounding road system would be likely;
- G. Whether projected traffic impacts of the proposed use(s) would materially and adversely impact the safety or welfare of residents in existing residential neighborhoods.

**Administrative Policy 6**

The use(s) proposed under the rezoning, conditional use or other application for development approval must be consistent with, (a), all written land development policies set forth in these administrative policies; and (b), the future land use element, coastal management element, conservation element, potable water element, sanitary sewer element, solid waste management element, capital improvements element, recreation and open space element, surface water element, and transportation elements of the comprehensive plan.

**Administrative Policy 7**

Proposed use(s) shall not cause or substantially aggravate any, (a), substantial drainage problem on surrounding properties; or (b), significant, adverse and unmitigatable impact on significant natural wetlands, water bodies or habitat for listed species.

**Administrative Policy 8**

These policies, the staff analysis based upon these policies, and the applicant's written analysis, if any, shall be incorporated into the record of every quasi-judicial review application for development approval presented to the Board including rezoning, conditional use permits, and vested rights determinations.

Section 62-1151(c) of the Code of Ordinances of Brevard County directs, "The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.

The minutes of the planning and zoning board shall specify the reasons for the recommendation of approval or denial of each application."

#### **CONDITIONAL USE PERMITS (CUPs)**

In addition to the specific requirements for each Conditional Use Permit (CUP), Section 62-1901 provides that the following approval procedure and general standards of review are to be applied to all CUP requests, as applicable.

- (b) Approval procedure. An application for a specific conditional use within the applicable zoning classification shall be submitted and considered in the same manner and according to the same procedure as an amendment to the official zoning map as specified in Section 62-1151. The approval of a conditional use shall authorize an additional use for the affected parcel of real property in addition to those permitted in the applicable zoning classification. The initial burden is on the applicant to demonstrate that all applicable standards and criteria are met. Applications which do not satisfy this burden cannot be approved. If the applicant meets its initial burden, then the Board has the burden to show, by substantial and competent evidence, that the applicant has failed to meet such standards and the request is adverse to the public interest. As part of the approval of the conditional use permit, the Board may prescribe appropriate and reasonable conditions and safeguards to reduce the impact of the proposed use on adjacent and nearby properties or the neighborhood. A nearby property, for the purpose of this section, is defined as any property which, because of the character of the proposed use, lies within the area which may be substantially and adversely impacted by such use. In stating grounds in

support of an application for a conditional use permit, it is necessary to show how the request fulfills both the general and specific standards for review. The applicant must show the effect the granting of the conditional use permit will have on adjacent and nearby properties, including, but not limited to traffic and pedestrian flow and safety, curb-cuts, off-street loading and parking, off-street pickup of passengers, odors, glare and noise, particulates, smoke, fumes, and other emissions, refuse and service areas, drainage, screening and buffering for protection of adjacent and nearby properties, and open space and economic impact on nearby properties. The applicant, at his discretion, may choose to present expert testimony where necessary to show the effect of granting the conditional use permit.

(c) General Standards of Review.

- (1) The planning and zoning board and the board of county commissioners shall base the denial or approval of each application for a conditional use based upon a consideration of the factors specified in Section 62-1151(c) plus a determination whether an application meets the intent of this section.
  - a. The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1), the number of persons anticipated to be using, residing or working under the conditional use; (2), noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3), the increase of traffic within the vicinity caused by the proposed conditional use.
  - b. The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.
  - c. The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15% reduction in value as a result of the proposed conditional use. A reduction of 10% of the value of abutting property shall create a rebuttable presumption that a substantial diminution has occurred. The Board of County Commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by an M A I certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.
- (2) The following specific standards shall be considered, when applicable, in making a determination that the general standards specified in subsection (1) of this section are satisfied:

- a. Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1), adequate to serve the proposed use without burdening adjacent and nearby uses, and (2), built to applicable county standards, if any. Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20%, or 10% if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at Level of Service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable Brevard County standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.
- b. The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.
- c. Noise levels for a conditional use are governed by Section 62-2271.
- d. The proposed conditional use shall not cause the adopted level of service for solid waste disposal applicable to the property or area covered by such level of service, to be exceeded.
- e. The proposed conditional use shall not cause the adopted level of service for potable water or wastewater applicable to the property or the area covered by such level of service, to be exceeded by the proposed use.
- f. The proposed conditional use must have existing or proposed screening or buffering, with reference to type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.
- g. Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.
- h. Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.
- i. The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than 35 feet higher than the highest residence within 1,000 feet of the property line.



- j. Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties. For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

#### **FACTORS TO CONSIDER FOR A REZONING REQUEST**

Section 62-1151(c) sets forth factors to consider in connection with a rezoning request, as follows:

"The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare."

These staff comments contain references to zoning classifications found in the Brevard County Zoning Regulations, Chapter 62, Article VI, Code of Ordinances of Brevard County. These references include brief summaries of some of the characteristics of that zoning classification. Reference to each zoning classification shall be deemed to incorporate the full text of the section or sections defining and regulating that classification into the Zoning file and Public Record for that item.

These staff comments contain references to sections of the Code of Ordinances of Brevard County. Reference to each code section shall be deemed to incorporate this section into the Zoning file and Public Record for that item.

These staff comments contain references to Policies of the Brevard County Comprehensive Plan. Reference to each Policy shall be deemed to incorporate the entire Policy into the Zoning file and Public Record for that item.

These staff comments refer to previous zoning actions which are part of the Public Records of Brevard County, Florida. These records will be referred to by reference to the file number. Reference to zoning files are intended to make the entire contents of the cited file a part of the Zoning file and Public Record for that item.

## DEFINITIONS OF CONCURRENCY TERMS

**Maximum Acceptable Volume (MAV):** Maximum acceptable daily volume that a roadway can carry at the adopted Level of Service (LOS).

**Current Volume:** Building permit related trips added to the latest TPO (Transportation Planning Organization) traffic counts.

**Volume with Development (VOL W/DEV):** Equals Current Volume plus trip generation projected for the proposed development.

**Volume/Maximum Acceptable Volume (VOL/MAV):** Equals the ratio of current traffic volume to the maximum acceptable roadway volume.

**Volume/Maximum Acceptable Volume with Development (VOL/MAV W/DEV):** Ratio of volume with development to the Maximum Acceptable Volume.

**Acceptable Level of Service (CURRENT LOS):** The Level of Service at which a roadway is currently operating.

**Level of Service with Development (LOS W/DEV):** The Level of Service that a proposed development may generate on a roadway.



BOARD OF COUNTY COMMISSIONERS

**Planning and Development Department**

2725 Judge Fran Jamieson Way  
Building A, Room 114  
Viera, Florida 32940  
(321)633-2070 Phone / (321)633-2074 Fax  
<https://www.brevardfl.gov/PlanningDev>

**STAFF COMMENTS**

**24Z00008**

**Turner and Allen**

**RU-2-10(5) (Medium Multifamily) to RVP (Recreational Vehicle Park) with BDP**

Tax Account Number: 2104754  
Parcel I.D.: 21-35-20-00-750  
Location: East of N. Highway 1, approximately 1,120 ft. south of Parrish Rd. (District 1)  
Acreage: 6.92 acres

Planning & Zoning Board: 7/22/2024  
Board of County Commissioners: 8/01/2024

**Consistency with Land Use Regulations**

- Current zoning cannot be considered under the Future Land Use Designation, Section 62-1255.
- The request can be considered under the Future Land Use Designation, Section 62-1255.
- The request would maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

|  | <b>CURRENT</b> | <b>PROPOSED</b> |
|--|----------------|-----------------|
| <b>Zoning</b>  | RU-2-10(5)     | RVP w/BDP       |
| <b>Potential*</b>                                      | 34 units       | 69 sites        |
| <b>Can be Considered under the Future Land Use Map</b> | No<br>RES 2    | Yes**<br>NC     |

\* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations. \*\*Companion request **24SS00003** which proposes to amend the Future Land Use designation from Residential 2 (RES 2) to Neighborhood Commercial (NC) is pending approval.

**Background and Purpose of Request**

The applicant is requesting to change the zoning classification from RU-2-10(5) (Medium Density Multiple-Family Residential) with a cap of 5 to RVP (Recreational Vehicle Park) with a Binding Development Plan (BDP) capping the development to 10 units per acre on a 6.92 acre parcel to develop a 69 site RV park. Per Sec. 62-1406(6)(b), the RVP zoning limits the density to no higher than 10 units per acre when paired with NC FLUM designation.

The subject lot was recorded into the Official Record Book 2350, page 1582 in 1982. Under action **Z-5897** approved a zoning change from AU to RU-2-10(5) with a cap of 5 units to the acre on January 14, 1982 which preceded the Brevard County Comprehensive Plan.

In 1988, Brevard County Comprehensive Plan went into effect, applying the RES 2 Future Land Use to the subject property and the surrounding area to the east. According to BCPAO, the structures on the property may have been established in 1958, prior to FLU designation. The subject property retains the 1988 adopted Future Land use designation.

The subject parcel is currently developed and has frontage on N. Highway 1 which is a FDOT roadway. Based on aerials, there appears to be at least two structures and three pole barns on the subject property. The BCPAO classifies the site use as office/garage/auto-body/auto paint shop. At this time, there are no active code enforcement cases associated with the subject parcel.

RVP recreational vehicle park zoning classification encompasses lands devoted for recreation vehicle, tent, park trailer and cabins utilized for short-term use together with such ancillary structures as allowed to promote a recreational type atmosphere for both park owners and/or their guests. Non-recreational services and administrative buildings are permitted. Parks and public recreational facilities are permitted and a Convenience store as accessory use to recreational vehicle park is permitted with conditions. Minimum park size shall be five acres. Recreational vehicle sites shall have a minimum area of 2,000 square feet, and shall have a minimum width of 30 feet and minimum depth of 60 feet. This zoning classification does not allow for single-family, multi-family or commercial uses not accessory to the park. Occupancy is limited to no more than 180 consecutive days.

As defined, spaces or lots may be used by a recreational vehicle or equivalent facilities constructed in or on automotive vehicles, or tents, or other short-term housing devices. Cabins or park trailers used for short-term rentals may comprise no more than 20 percent of the permitted space or lots, and shall not exceed a maximum of 1,000 square feet each in size.

As defined within Sec. 62-1406 Recreational vehicle parks, no new recreational vehicles shall be considered to be a permanent residence, and occupancy shall be limited to no more than 180 consecutive days, except in a Recreational vehicle park destination resort which requires 50 acres.

Pursuant to Sec. 62-1406 (6)(b), the density of recreational vehicle parks located within Neighborhood Commercial or Community Commercial land use designations on the Future Land Use Map shall be a maximum of ten recreational vehicle sites or lots per acre. This density allowance shall also apply to tent camping areas.

The applicant has submitted a BDP to cap the density to 10 units/ac.

A companion application, **24SS00003**, if approved would amend the FLUM designation from Residential 2 (RES 2) to Neighborhood Commercial (NC).

## Surrounding Area

|              | Existing Use                 | Zoning | Future Land Use |
|--------------|------------------------------|--------|-----------------|
| <b>North</b> | Vacant land                  | AU     | RES 2           |
| <b>South</b> | Vacant land                  | AU     | NC              |
| <b>East</b>  | Single-Family Mobile Home    | TR-2   | RES 2           |
| <b>West</b>  | Highway and Auto body repair | BU-1   | CC              |

To the north is a vacant 6 acre parcel with AU zoning and a RES 2 FLU designation.

To the east is a 30.27 acre Brady Grove Park mobile home development, with approximately half-acre to 1 acre lots, designated with TR-2 zoning and RES 2 FLU designation.

To the south is a vacant 5.19 acre parcel with AU zoning and NC FLU designation.

To the west is half-acre parcel; with an automotive repair shop with BU-1 zoning and CC FLU designation;

The AU zoning classification is intended for agricultural and residential development of a spacious character. Single-family residences and agricultural uses are permitted on 2.5-acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750 square feet. Mobile homes are not allowed in the AU zoning classification unless the lot is a minimum of 10-acres.

The TR-2 zoning classification permits single-family mobile home units and single-family detached units with a minimum lot size of one-half acre. A minimum lot width of 100 feet and minimum lot depth of 150 feet is required.

The BU-1 zoning classification permits general retail shopping, offices, and personal services including automobile sales and storage, bookstores, and grocery stores. A minimum area of 7,500 feet with a minimum lot width and depth of 75 feet is required.

## Land Use

The subject property is currently designated at Residential 2 (RES 2) on the Future Land Use Map (FLUM).

The existing RU-2-10(5) zoning classification cannot be considered consistent with the existing RES 2 FLUM designation. The requested RVP zoning can be considered consistent with the existing RES 2 FLUM designation. Both the existing, RU-2-10(5), and

proposed, RVP, zoning classifications can be considered consistent with the proposed NC FLUM designation.

## **Public Facilities and Services Requirements**

### **Policy 1.2**

Minimum public facilities and services requirements should increase as residential density allowances become higher. The following criteria shall serve as guidelines for approving new residential land use designations:

#### **Criteria:**

- A. Adequate roadways, solid waste disposal, drainage and recreation facilities to serve the needs of associated development shall be available concurrent with development in all residential land use designations.

**The roadway segment of US-1 from Dairy Rd. to SR 46 is maintained by Florida Department of Transportation (FDOT). Coordination with FDOT will be required during the site plan review stage.**

**The corridor is anticipated to operate at 42.70% of capacity daily. The proposed development is not anticipated to create a deficiency in transportation LOS.**

**The applicant has provided a potable water and sanitary sewer service capacity availability certificate from the City of Titusville.**

**Drainage and recreational facilities will be reviewed at the site plan review stage for compliance with County regulations.**

- B. Fire and police protection and emergency medical services to serve the needs of the associated development shall be available concurrent with development in all residential land use designations in accordance with policies set forth in the 'Service Delivery, Concurrency and Growth' section of this Future Land Use Element.

**A fire department level of service analysis will be conducted at the site plan review stage.**

- C. In the Residential 30 Directive, Residential 15, Residential 10, Residential 6, and Residential 4 land use designations, centralized potable water and wastewater treatment shall be available concurrent with the impact of the development.

**The applicant has provided a potable water and sanitary sewer service capacity availability certificate from the City of Titusville. The closest Brevard County water node on the same side of the road is approximately .40 miles to the north. The closest sewer gravity main is City of Titusville approximately half-mile south of the subject property.**

**Sanitary Sewer Element Policy 3.17, Criteria 4B states, “Under no circumstances shall the development of a private treatment plant be used to increase the density of an area beyond the density permitted by the Future Land Use element or any other portion of the Comprehensive Plan”.**

**Beginning on January 1, 2024, unless previously permitted, the installation of new onsite sewage treatment and disposal systems is prohibited within the Banana River Lagoon Basin Management Action Plan, Central Indian River Lagoon Basin Management Action Plan, North Indian River Lagoon Basin Management Action Plan, and Mosquito Lagoon Reasonable Assurance Plan areas where a publicly owned or investor-owned sewerage system is available as defined in s. 381.0065(2)(a). Where central sewerage is not available, only enhanced nutrient-reducing onsite sewage treatment and disposal systems or other wastewater treatment systems that achieve at least 65 percent nitrogen reduction are authorized.**

**The subject property is located within the North Indian River Lagoon Basin Management Action Plan.**

- D. Where public water service is available, residential development proposals with densities greater than four units per acre shall be required to connect to a centralized sewer system.

**Availability of potable water and sanitary sewer service capacity has been provided by The City of Titusville.**

- E. Where public water service is not available, residential development proposals with densities greater than two units per acre shall be required to connect to a centralized sewer system.

**This FLU amendment request to NC will allow for a density of ten (10) units per acre under the RVP zoning classification if approved which will require centralized potable water connection.**

- F. The County shall not extend public utilities and services outside of established service areas to accommodate new development in Residential 2, Residential 1 and Residential 1:2.5 land use designations, unless an overriding public benefit can be demonstrated. This criterion is not intended to preclude acceptance of dedicated facilities and services by the County through MSBU's MSTU's and other means through which the recipients pay for the service or facility.

**The request is not for Residential, 2, Residential 1, or Residential 1:2.5 land use designations.**

The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 – 8 of the Future Land Use Element.

**Analysis of Administrative Policy 3 - Compatibility between this site and the existing or proposed land uses in the area.**

Compatibility shall be evaluated by considering the following factors, at a minimum:

**Criteria:**

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use;

**A site plan has not been submitted with this request nor are required. Hours of operation, lighting and placement of individual lots has not been established. Performance standards within Sections 62-2251 through 62-2272 will be reviewed at the site plan stage should the zoning and Future Land Use change be approved. RVP zoning permits recreational vehicles, tents, park trailers, and cabins.**

**The Board may consider the array of uses permitted under the RVP zoning classification and the potential impacts to the abutting residential lots to the east. The Board may consider an additional landscape buffers to help mitigate potential noise, odor and site activity beyond what the code requires.**

- B. Whether the proposed use(s) would cause a material reduction (five per cent or more) in the value of existing abutting lands or approved development.

**Only a certified MAI appraisal can determine if material reduction has or will occur due to the proposed request.**

- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through an analysis of:
1. historical land use patterns;

**There are six (6) FLU designations (RES 6, RES 4, RES 2, CC, NC, and IND) within 0.5 miles of the subject property. Within the half mile of the subject property, commercial and industrial land uses are positioned along the east and west sides of the corridor. The land use then transitions to residential land uses. To the west, within approximately a half-mile of the subject property, across Highway 1, RES 4 encompasses approximately 166 acres. To the east, within a half-mile, RES 2 encompasses approximately 156 acres. NC, CC and IND are located mainly along the highway.**



**Approximately 1,500 feet to the north is Willow Lakes RVP Destination Resort with Neighborhood Commercial (NC) FLU and RVP zoning. Willow Lakes was developed at 4.94 units per acre.**

**Abutting to the east is Brady Grove Park – Second Addition containing 30.27 acres with RES 2 FLU and TR-2 zoning was developed at 1.45 units per acre.**

**Staff analysis finds the proposed use is consistent with the existing residential pattern uses. RVP use is considered residential in nature and there are other residential neighborhoods within the half mile radius which abuts the highway, however, with no direct ingress/egress on N. Highway 1.**

**Staff analysis finds the proposed use is consistent with the existing residential pattern uses. RVP use is considered residential in nature and there are other residential neighborhoods within the half mile radius which abuts the highway, however, with no direct ingress/egress on N. Highway 1.**

2. actual development over the immediately preceding three years; and

**There has been no development within Brevard County jurisdiction in the preceding three (3) years. Located southeast of the subject property is a Phase one new single family development within the City of Titusville currently under construction.**

3. development approved within the past three years but not yet constructed.

**There has not been any development within Brevard County jurisdiction approved but not yet constructed within this area in the preceding three (3) years.**

- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

**The request would not result in a material violation of relevant policies in any elements of the Comprehensive Plan.**

#### **Analysis of Administrative Policy 4 - Character of a neighborhood or area.**

Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

Criteria:

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types or intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, etc.), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

**The proposed use will not adversely impact the established residential neighborhood to the east. Traffic from the subject property would ingress/egress directly via N. Highway 1.**

**The proposed development increases the percentage of MAV utilization by 1.22%. The corridor is anticipated to operate at 42.70% of capacity daily. The proposed development is not anticipated to create a deficiency in LOS. Specific concurrency issues will be address at the time of site plan review and coordinated through FDOT. This is only a preliminary review and is subject to change.**

- B. In determining whether an established residential neighborhood exists, the following factors must be present:

1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.

**There is an established neighborhood immediately to the east of the subject property, as well as to the northwest and southwest across from US 1. However, subject property is not located in an established residential neighborhood. Approximately 1,500 feet to the north is Willow Lakes RVP Destination Resort with Neighborhood Commercial (NC) FLU and RVP zoning.**

2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.

**The subject property is not requesting commercial uses.**

3. An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial or other non-residential uses have been applied for and approved during the previous five (5) years.

**There have been no commercial, industrial, or other non-residential uses applied for and approved in the previous five (5) years.**

## **Administrative Policy 7**

Proposed use(s) shall not cause or substantially aggravate any (a) substantial drainage problem on surrounding properties; or (b) significant, adverse and unmitigatable impact on significant natural wetlands, water bodies or habitat for listed species.

**Natural Resources has noted the eastern edge of the subject parcel contains mapped hydric soils (Anclote sand, frequently ponded, 0 to 1 percent slopes); an indicator that wetlands may be present on the property. This property contains Orsino fine sand, classified as an aquifer recharge soil. Which indicates the soils may consist of Type 3 Aquifer Recharge soils that have impervious area restrictions. Protected and specimen trees and protected species may also be present on the subject property.**

**The above environmental issues may limit development potential of the property.**

## **Preliminary Concurrency**

The closest concurrency management segment to the subject parcel is US Hwy 1, from Dairy Rd. to SR 46, which has Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 41.49% capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 1.22%. The corridor is anticipated to operate at 42.70% of capacity daily. The proposal is not anticipated to create a deficiency in LOS.

The applicant has provided a potable water and sanitary sewer service capacity availability certificate from the City of Titusville. The closet Brevard County water node on the same side of the road is approximately .40 miles to the north. The closet sewer gravity main is City of Titusville approximately half-mile south of the subject property.

Sanitary Sewer Element Policy 3.17, Criteria 4B states, "Under no circumstances shall the development of a private treatment plant be used to increase the density of an area beyond the density permitted by the Future Land Use element or any other portion of the Comprehensive Plan".

No school concurrency information is required. As defined within Sec. 62-1406 Recreational vehicle parks, no new recreational vehicles shall be considered to be a permanent residence, and occupancy shall be limited to not more than 180 consecutive days, except in a Recreational vehicle park destination resort which requires 50 acres.

## **Environmental Constraints**

### **Summary of Mapped Resources and Noteworthy Land Use Issues:**

- Hydric Soils
- Aquifer Recharge Soils
- Protected and Specimen Trees
- Protected Species

No noteworthy land use issues were identified. NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

### **For Board Consideration**

The Board may wish to consider if the request is consistent and compatible with the surrounding area with a BDP capping density to 10 units/ac.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT  
Zoning Review & Summary  
Item No. 24Z00008**

**Applicant:** Eddie Small (Owners: Paul Turner and Jackie Allen)

**Zoning Request:** RU-2-10(5) to RVP

**Note:** to develop 104 lot RV Park

**Zoning Hearing:** 06/10/2024; **BCC Hearing:** 07/11/2024

**Tax ID No.:** 2104754

- This is a preliminary review based on best available data maps reviewed by the Natural Resources Management Department (NRM) and does not include a site inspection to verify the accuracy of the mapped information.
- In that the rezoning process is not the appropriate venue for site plan review, specific site designs submitted with the rezoning request will be deemed conceptual. Board comments relative to specific site design do not provide vested rights or waivers from Federal, State or County regulations.
- **This review does not guarantee whether or not the proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations.**

**Summary of Mapped Resources and Noteworthy Land Use Issues:**

- Hydric Soils
- Aquifer Recharge Soils
- Protected and Specimen Trees
- Protected Species

No noteworthy land use issues were identified. NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

**Land Use Comments:**

**Hydric Soils**

The eastern edge of the subject parcel contains mapped hydric soils (Anclote sand, frequently ponded, 0 to 1 percent slopes); an indicator that wetlands may be present on the property. **A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.**

Per Section 62 3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. **For multi-family parcels greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8%**

**of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65 3694(c)(6).** Any permitted wetland impacts must meet the requirements of Section 62 3694(e) including avoidance of impacts, and will require mitigation in accordance with Section 62-3696. **The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.**

#### **Aquifer Recharge Soils**

This property contains Orsino fine sand, classified as an aquifer recharge soil. Mapped topographic elevations indicate the soils may consist of Type 3 Aquifer Recharge soils that have impervious area restrictions. **The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.**

#### **Protected and Specimen Trees**

Protected ( $\geq 10$  inches in diameter) and Specimen ( $\geq 24$  inches in diameter) trees likely exist on the parcel. Per Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**

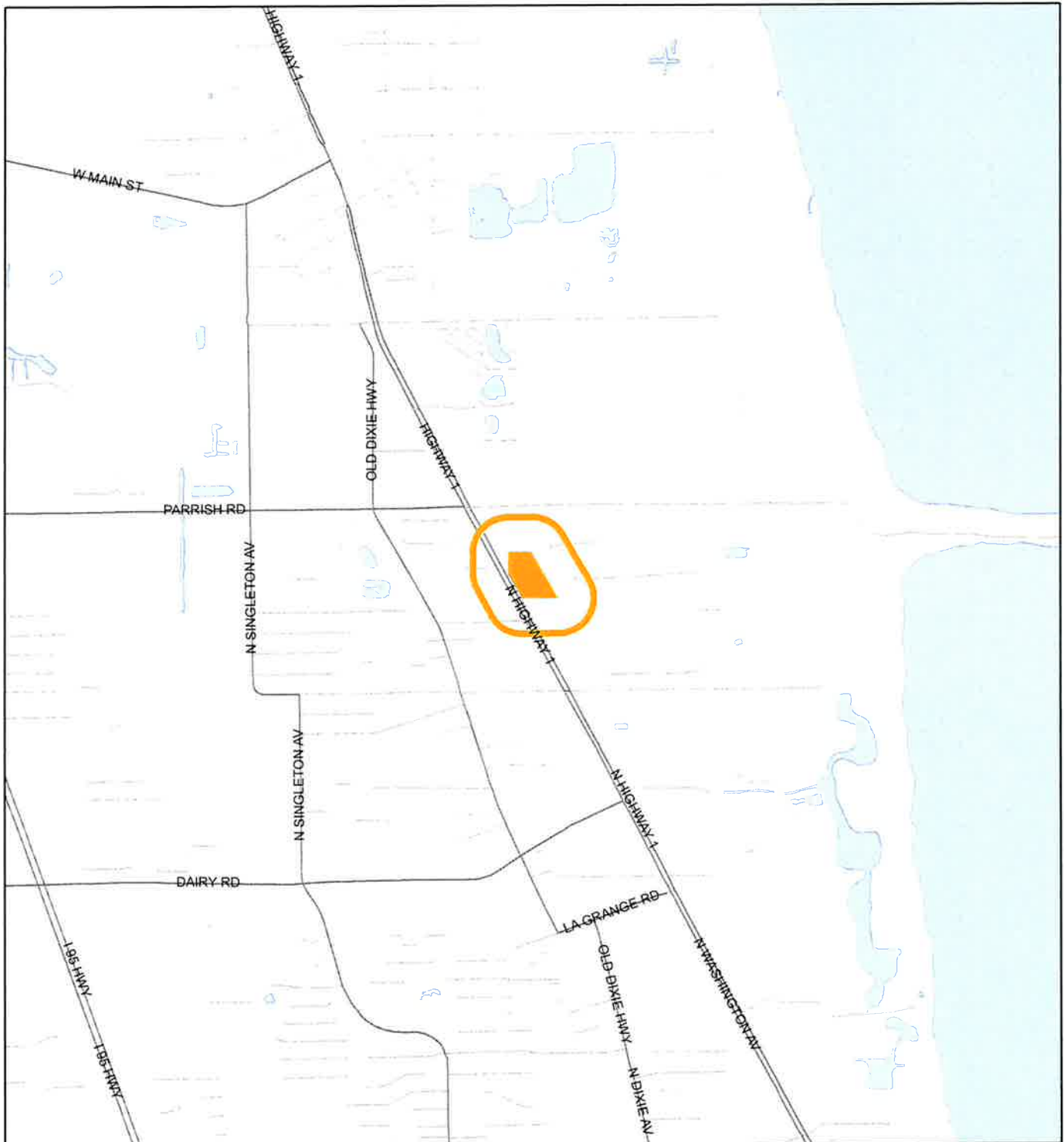
#### **Protected Species**

Federally and/or state protected species may be present on the property. Specifically, Gopher Tortoises can be found in areas of aquifer recharge soils. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission (FWC), and/or U.S. Fish and Wildlife Service, as applicable. The applicant is advised to call Valeria Guerrero at 561-882-5714 (O) or 561-365-5696 (C) with the FWC to obtain any necessary permits or clearance letters for Gopher Tortoises.

# LOCATION MAP

TURNER, PAUL J

24Z00008



1:24,000 or 1 inch = 2,000 feet

Buffer Distance: 500 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

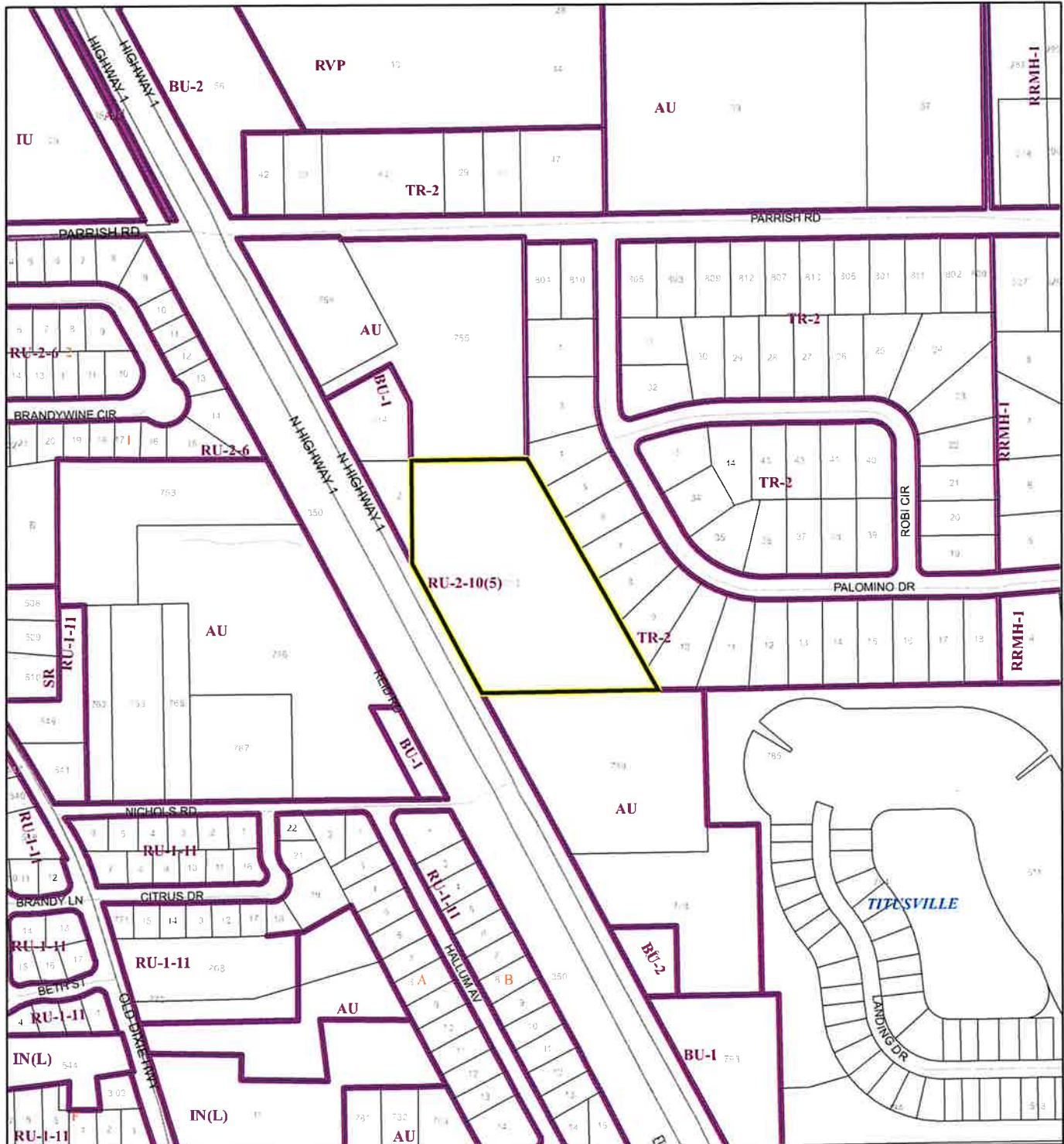
Produced by BoCC - GIS Date: 4/2/2024

Buffer  
Subject Property

# ZONING MAP

TURNER, PAUL J

24Z00008



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 4/2/2024

— Subject Property

□ Parcels

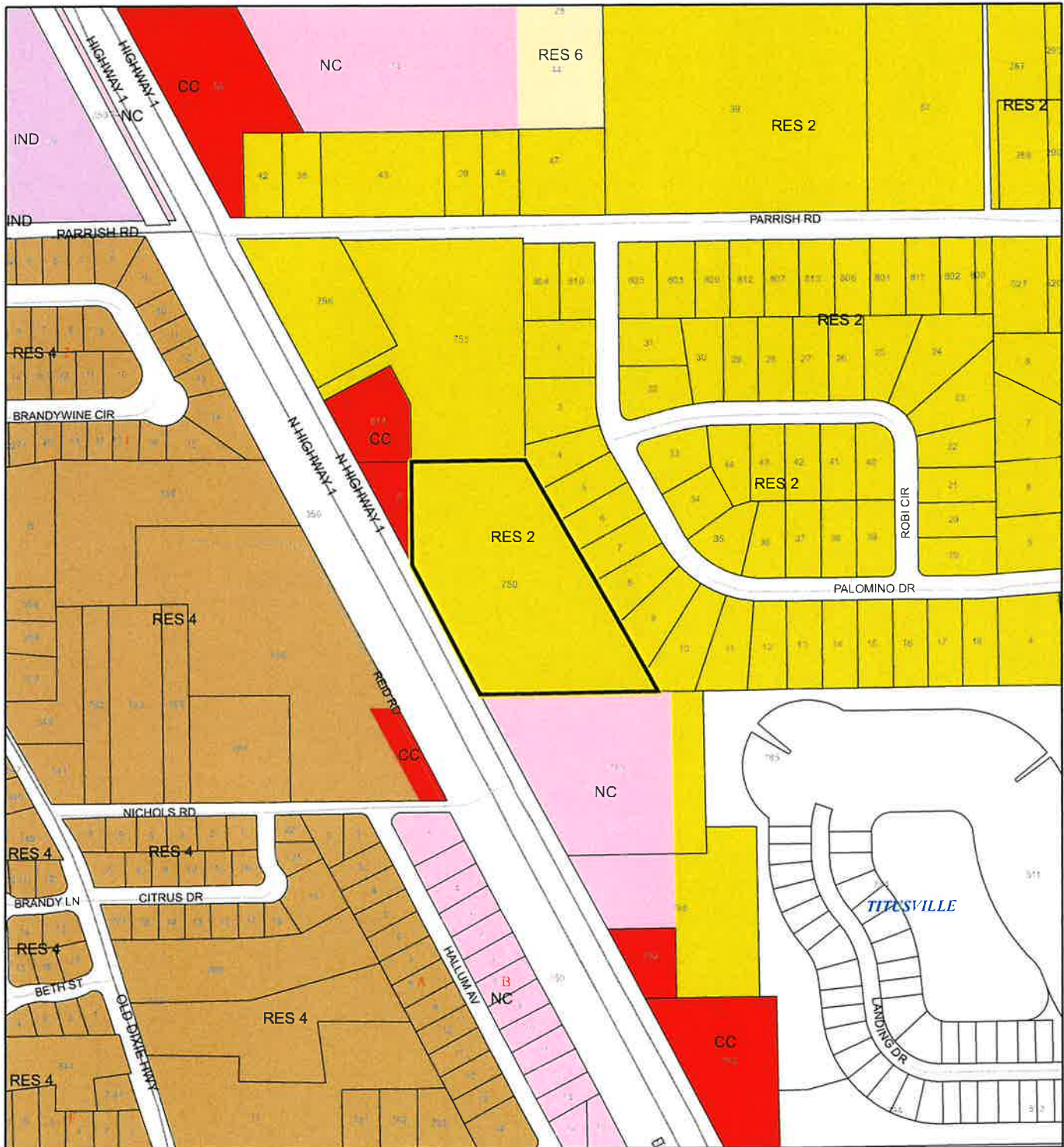
□ Zoning



# FUTURE LAND USE MAP

TURNER, PAUL J

24Z00008



1:4,800 or 1 inch = 400 feet

— Subject Property  
 □ Parcels

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Produced by BoCC - GIS Date: 4/2/2024



# AERIAL MAP

TURNER, PAUL J

24Z00008



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2023

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Produced by BoCC - GIS Date: 4/2/2024

 Subject Property

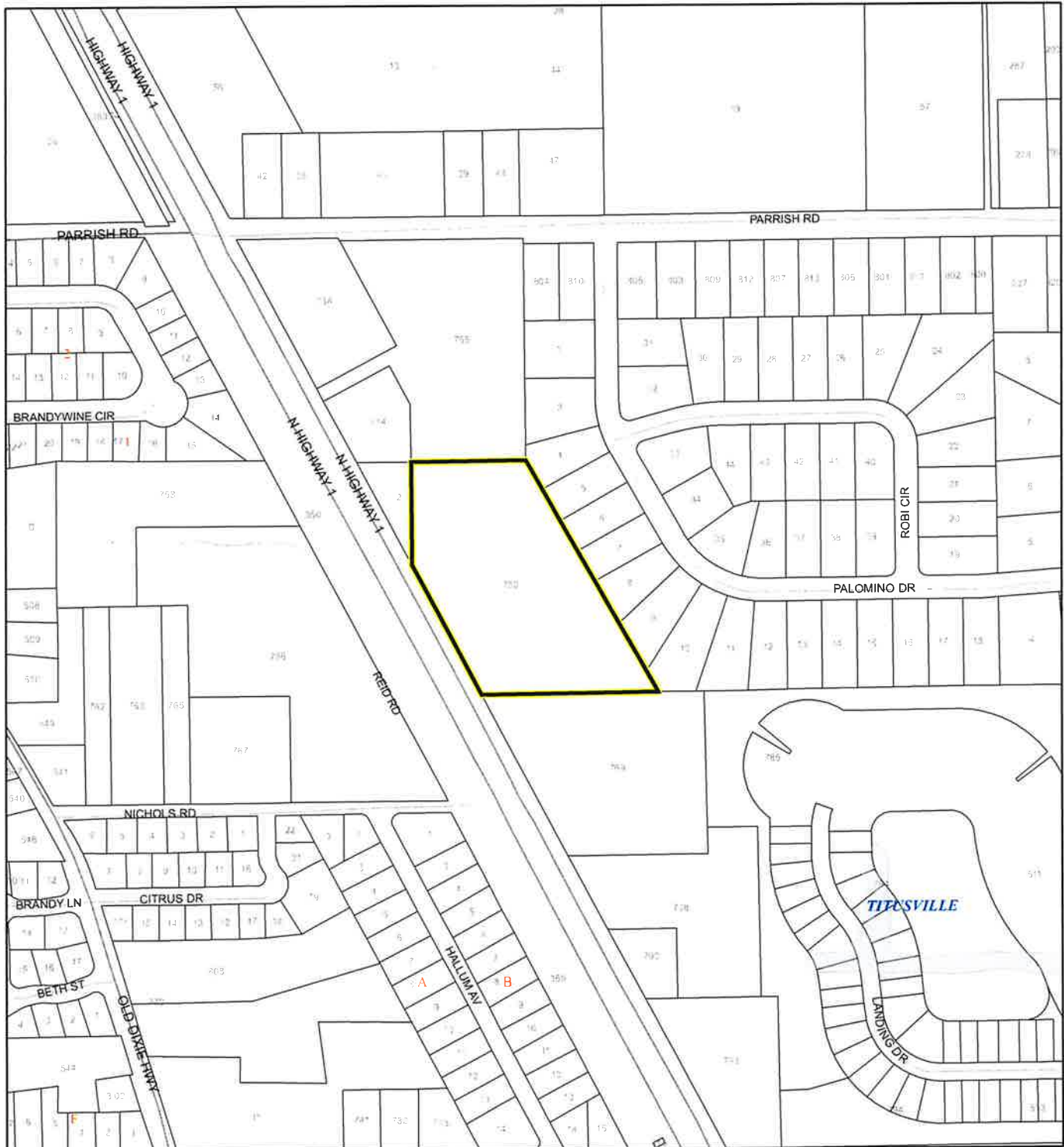
 Parcels



# NWI WETLANDS MAP

TURNER, PAUL J

24Z00008



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 4/2/2024

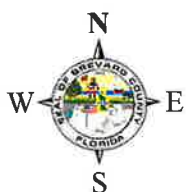
## National Wetlands Inventory (NWI)

|                                   |                  |
|-----------------------------------|------------------|
| Estuarine and Marine Deepwater    | Freshwater Pond  |
| Estuarine and Marine Wetland      | Lake             |
| Freshwater Emergent Wetland       | Other            |
| Freshwater Forested/Shrub Wetland | Riverine         |
|                                   | Subject Property |
|                                   | Parcels          |

# SJRWMD FLUCCS WETLANDS - 6000 Series MAP

TURNER, PAUL J

24Z00008



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 4/2/2024

## SJRWMD FLUCCS WETLANDS

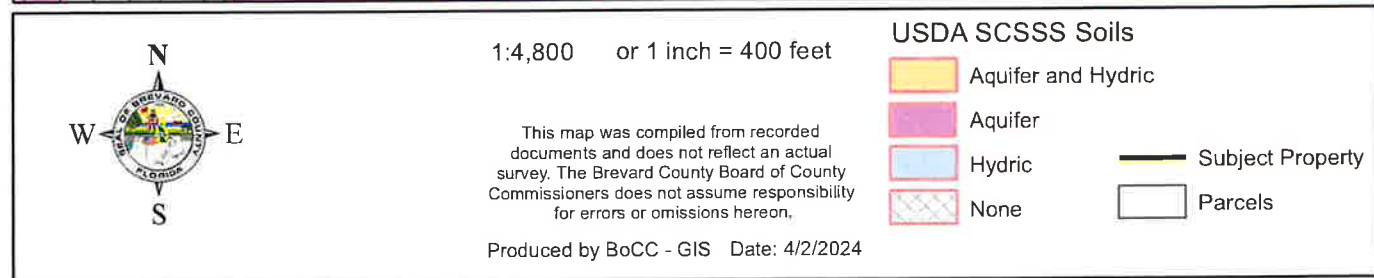
- Wetland Hardwood Forests - Series 6100
- Wetland Coniferous Forest - Series 6200
- Wetland Forested Mixed - Series 6300
- Vegetated Non-Forested Wetlands - Series 6400
- Non-Vegetated Wetland - Series 6500

Subject Property

Parcels



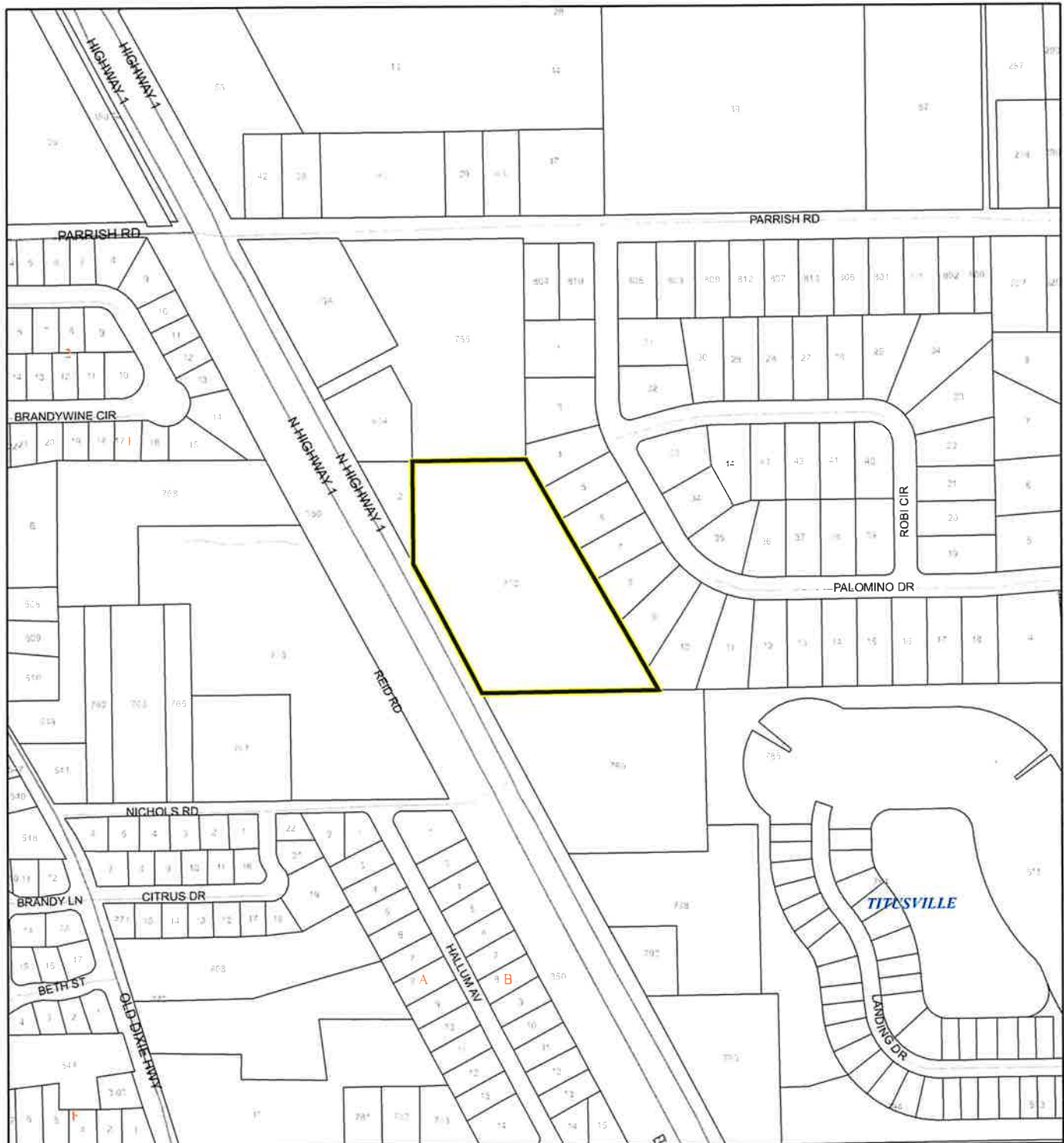
TURNER, PAUL J  
24Z00008



# FEMA FLOOD ZONES MAP

TURNER, PAUL J

24Z00008



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 4/2/2024

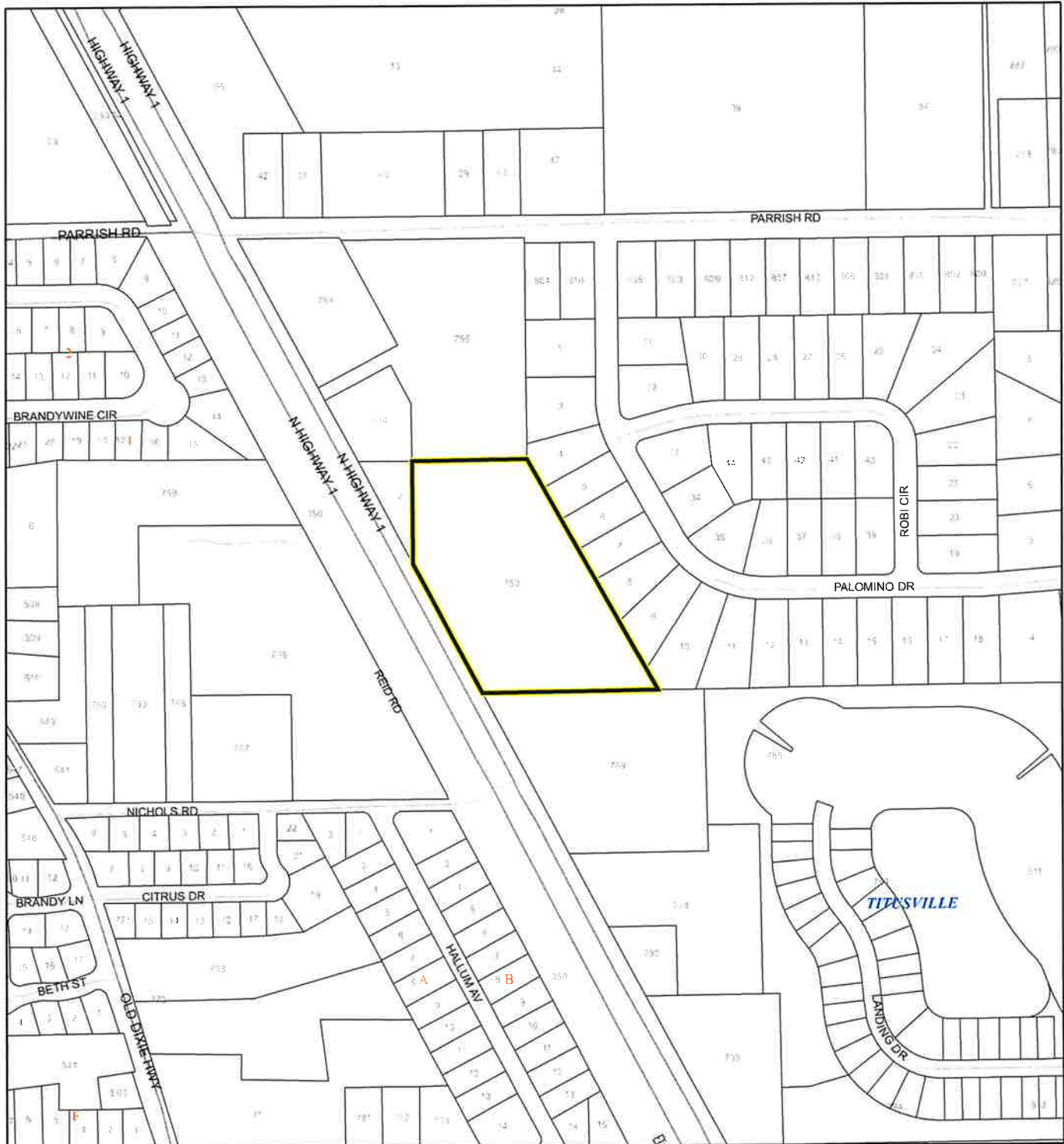
## FEMA Flood Zones

|                  |            |   |
|------------------|------------|---|
| A                | AO         | x |
| AE               | Open Water |   |
| AH               | VE         |   |
| Subject Property | Parcels    |   |



# COASTAL HIGH HAZARD AREA MAP

TURNER, PAUL J  
24Z00008



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 4/2/2024

— Subject Property

□ Parcels

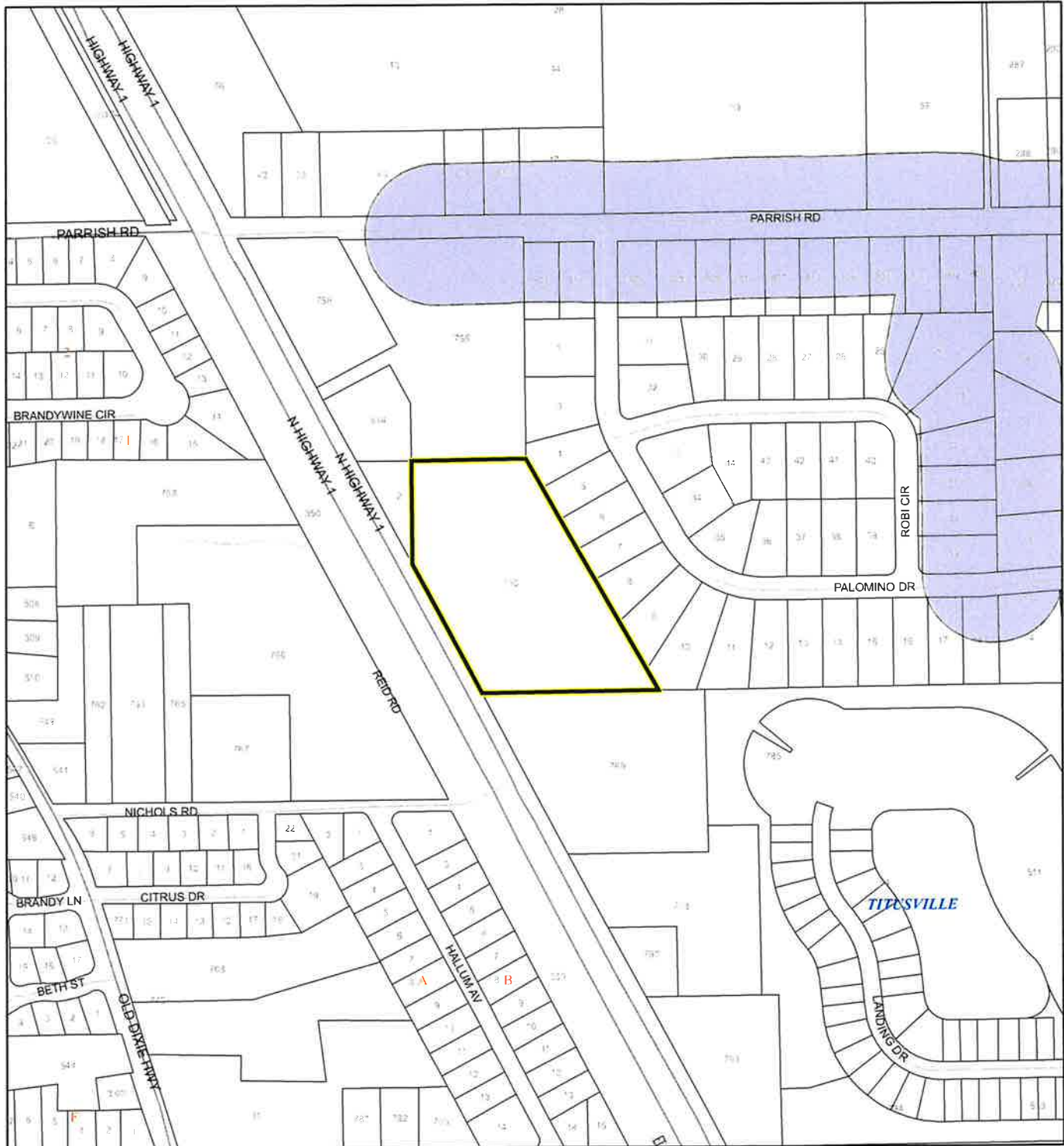
**Coastal High Hazard Area**

■ SurgeZoneCat1

# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

TURNER, PAUL J

24Z00008



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 4/2/2024

— Subject Property

□ Parcels

**Septic Overlay**

■ 40 Meters

■ 60 Meters

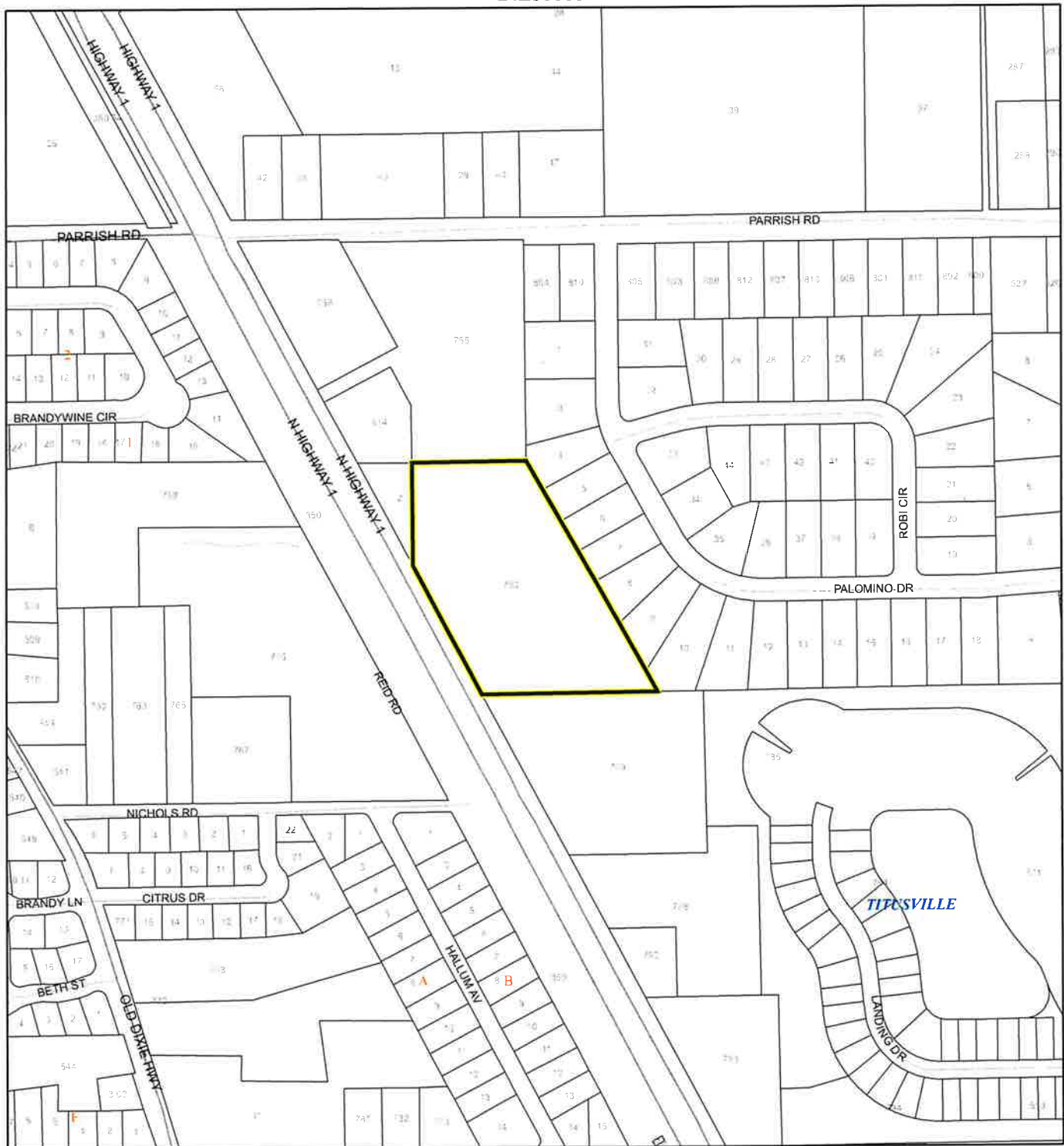
■ All Distances



# EAGLE NESTS MAP

TURNER, PAUL J

24Z00008



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 4/2/2024

 Subject Property

 Parcels

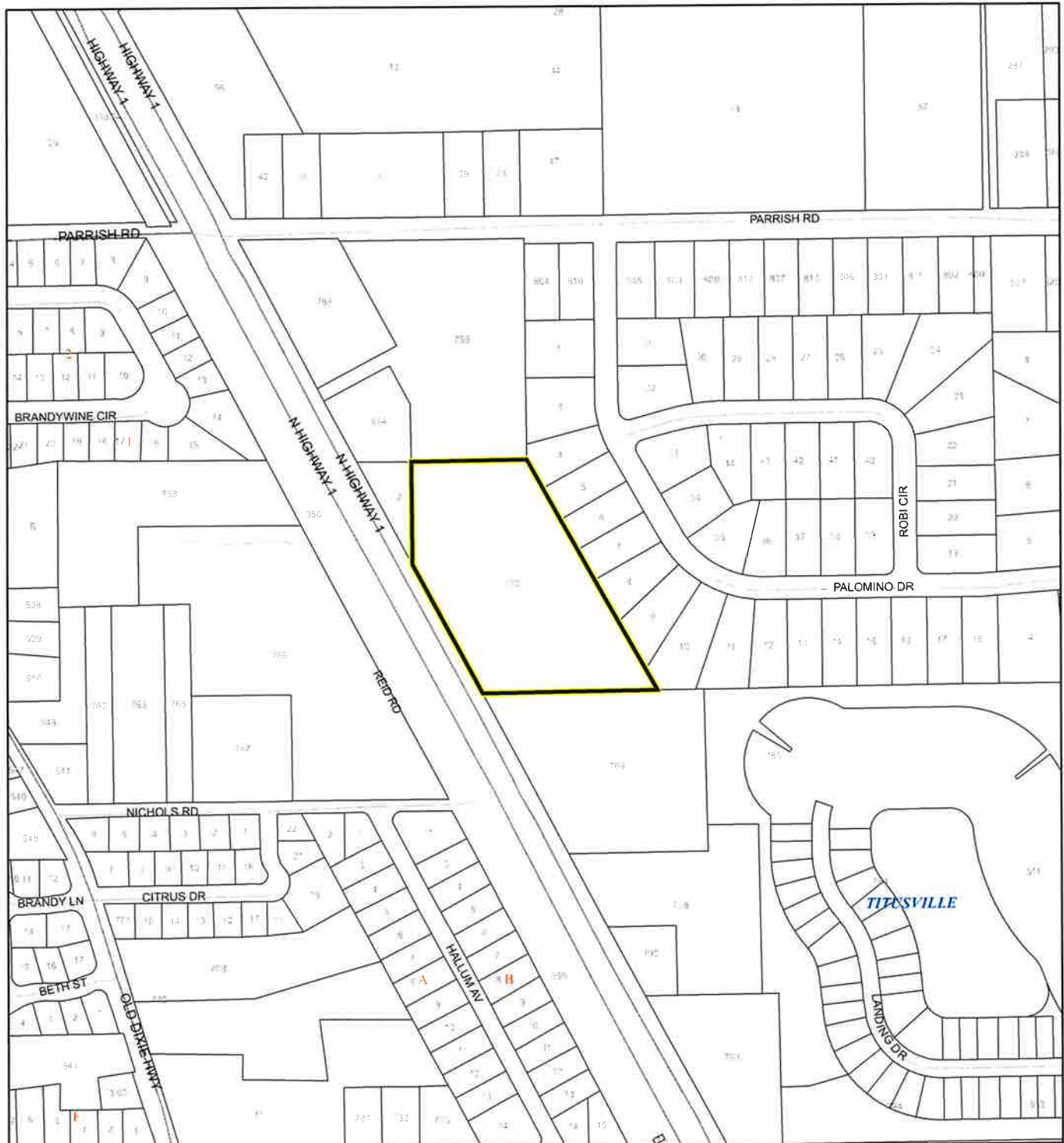


Eagle Nests  
FWS

# SCRUB JAY OCCUPANCY MAP

TURNER, PAUL J

24Z00008




1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 4/2/2024

 Subject Property

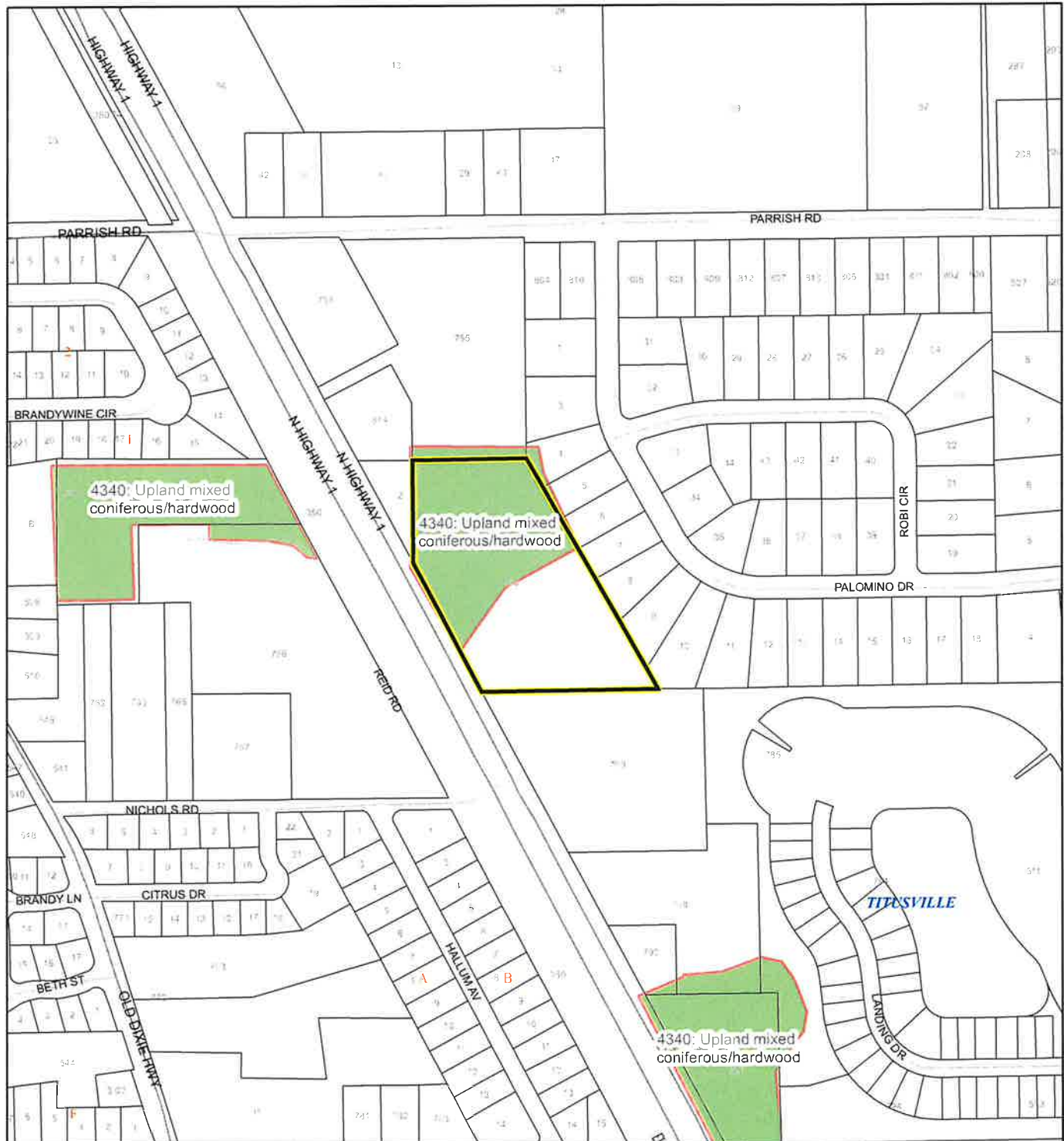
 Parcels

 Scrub Jay Occupancy

# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

TURNER, PAUL J

24Z00008



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 4/2/2024

## SJRWMD FLUCCS Upland Forests

- Upland Coniferous Forest - 4100 Series
- Upland Hardwood Forest - 4200 Series
- Upland Mixed Forest - 4300 Series
- Tree Plantations - 4400 Series

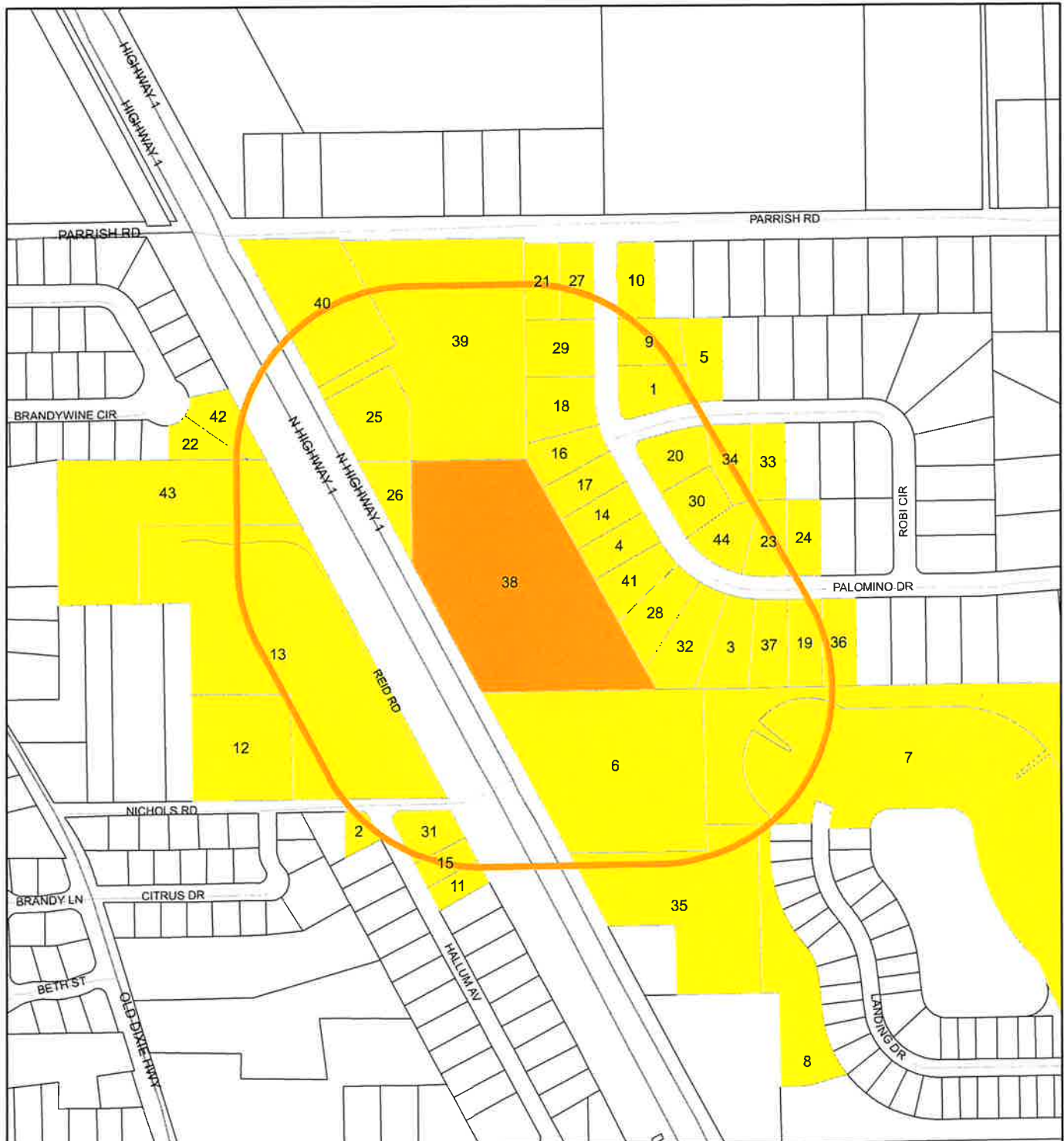
Subject Property

Parcels



# RADIUS MAP

TURNER, PAUL J  
24Z00008



1:4,800 or 1 inch = 400 feet

Buffer Distance: 500 feet

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Produced by BoCC - GIS Date: 4/2/2024

- Buffer
- Subject Property
- Notify Property
- Parcels

Prepared by: MBV Engineering, Inc.  
Address: 1250 W. Eau Gallie Blvd., Unit H  
Melbourne, FL 32935

### **BINDING DEVELOPMENT PLAN**

THIS AGREEMENT, entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and Paul J. Turner and Jackie L. Allen, individuals (hereinafter referred to as "Developer/Owner").

#### **RECITALS**

WHEREAS, Developer/Owner owns property (hereinafter referred to as the "Property") in Brevard County, Florida, as more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, Developer/Owner has requested the RVP zoning classification(s) and desires to develop the Property as an RV park and pursuant to the Brevard County Code, Section 62-1157; and

WHEREAS, as part of its plan for development of the Property, Developer/Owner wishes to mitigate negative impacts on abutting land owners and affected facilities or services; and

WHEREAS, the County is authorized to regulate development of the Property.

NOW, THEREFORE, the parties agree as follows:

1. Recitals. The above recitals are true and correct and are incorporated into this Agreement by their reference.
2. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.
3. The Property shall be limited the proposed density to ten (10) units per acre.

Rev. 5/29/2024

4. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the Property. This Agreement provides no vested rights against changes to the Comprehensive Plan or land development regulations as they may apply to this Property prior to issuance of an approved development order.
5. Developer/Owner, upon execution of this Agreement, shall pay to the Clerk of Court all costs of recording this Agreement in the Public Records of Brevard County, Florida.
6. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and shall be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and shall be subject to the above referenced conditions as approved by the Board of County Commissioners on \_\_\_\_\_. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.
7. Violation of this Agreement shall constitute a violation of the zoning classification and of this Agreement. This Agreement may be enforced by Sections 1-7 and 62-5 of the Code of Ordinances of Brevard County, Florida, as may be amended.
8. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and shall be satisfied before Developer/Owner may implement the approved use(s), unless stated otherwise. The failure to timely comply with any condition is a violation of this Agreement and constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 15 above.
9. Severability clause. If any provision of this BDP is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions shall continue in full force and effect without being impaired or invalidated in any way.

IN WITNESS THEREOF, the parties hereto have caused these presents to be signed all as of the date and year first written above.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA  
2725 Judge Fran Jamieson Way  
Viera, FL 32940

\_\_\_\_\_  
Rachel Sadoff, Clerk of Court  
(SEAL)

\_\_\_\_\_  
Jason Steele, Chair  
As approved by the Board on \_\_\_\_\_

(Please note: You must have two witnesses and a notary for each signature required. The notary may serve as one witness.)

WITNESSES:

FLORIDA DEALER CENTER, LLC  
as DEVELOPER/OWNER

\_\_\_\_\_  
\_\_\_\_\_  
(Witness Name typed or printed)

\_\_\_\_\_  
\_\_\_\_\_  
(Address)

\_\_\_\_\_  
\_\_\_\_\_  
(Witness Name typed or printed)

\_\_\_\_\_  
\_\_\_\_\_  
(President)  
(Name typed, printed or stamped)

STATE OF \_\_\_\_\_ §

COUNTY OF \_\_\_\_\_ §

The foregoing instrument was acknowledged before me, by means of \_\_\_\_\_ physical presence or \_\_\_\_\_ online notarization, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, President of \_\_\_\_\_, who is personally known to me or who has produced \_\_\_\_\_ as identification.

My commission expires  
SEAL  
Commission No.:

\_\_\_\_\_  
Notary Public  
(Name typed, printed or stamped)

Exhibit "A"

THE EAST ½ OF THE SOUTHEAST ¼ OF THE NORTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 20 SOUTH, RANGE 35 EAST, LYING AND BEING SITUATE IN BREVARD COUNTY FLORIDA.

AND

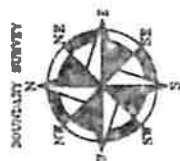
ALL OF THE NORTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 20, TOWNSHIP 21 SOUTH, RANGE 35 EAST, LYING AND BEING SITUATE IN BREVARD COUNTY, FLORIDA.

LESS AND EXCEPT FROM THE ABOVE, ALL OF THE LAND DESCRIBED IN QUIT CLAIM DEED FILED IN OFFICIAL RECORDS BOOK 1734, PAGE 728; QUIT CLAIM DEED FILED IN OFFICIAL RECORDS BOOK 2350, PAGE 1579; QUIT CLAIM DEED FILED IN OFFICIAL RECORDS BOOK 2350, PAGE 1580; AND QUIT CLAIM DEED FILED IN OFFICIAL RECORDS BOOK 2350, PAGE 1562. AND ANY LAND LYING IN THE PLAT OF THE BRADY GROVE PARK – SECOND ADDITION, ACCORDING TO THE PLAT THEREOF AS DESCRIBED IN PLAT BOOK 29, PAGE 91, ALL IN THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

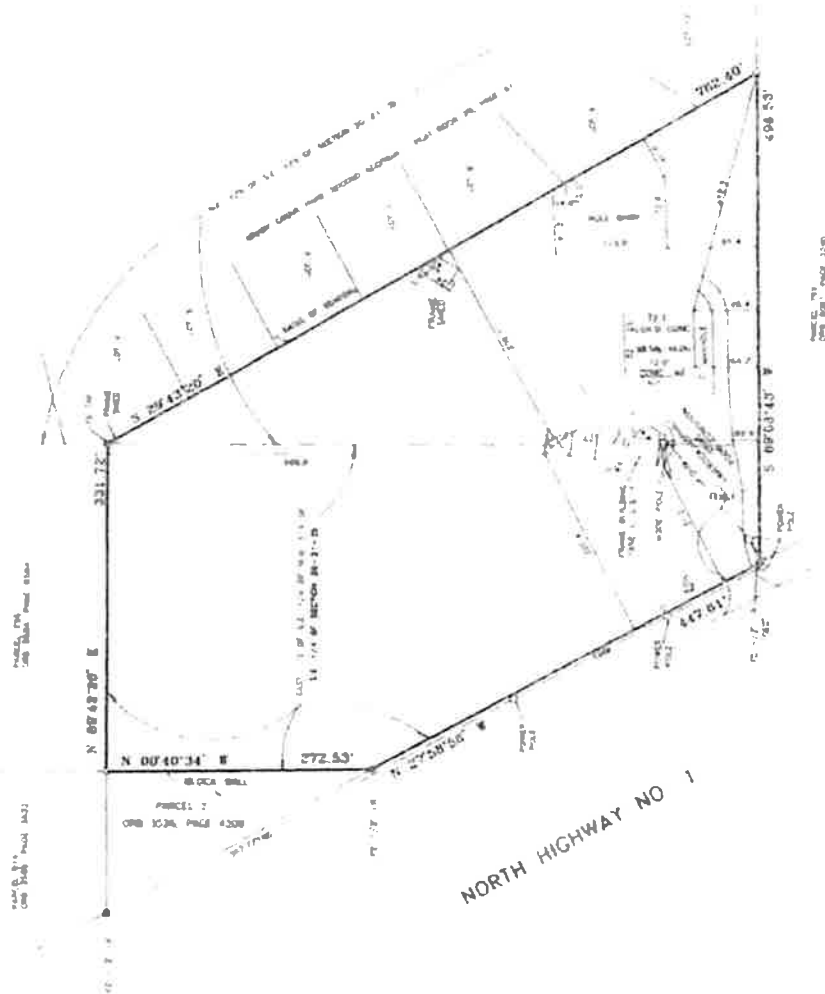




SHEET 2 OF 2 SHEETS  
LEGAL DESCRIPTION ON SHEET 1  
PROJECT #12-1D-44



SCALE: 1' = 100'



NORTH HIGHWAY NO 1